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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,984

05/08/2007

William Finck

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EXAMINER

OSELE, MARK A

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

10/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,984	Applicant(s) FINCK, WILLIAM	
	Examiner Mark A. Osele	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 9-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 9-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 25, 2010.
2. The traversal of claim 34 was persuasive and claim 34 has been rejoined to Group I, claims 1-8 and 35.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by WIPO Publication WO 2004/103747 (Ericson). Ericson shows a winder unit for use with a cutting wire in cutting out a vehicle glazing panel comprising: mounting means, 5, 6, for mounting the winder unit on the glazing panel; first and second winder spools, 16, 17, for winding the cutting wire, 15; and at least one wire wrap around guide element, 11,

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12, spaced from at least one of the winder spools and the mounting means. In this case, Ericson shows the wire wrap around guide to be spaced from the winder spools (See Figs. 1A, 1B, 2B).

Regarding claims 5-6, Ericson shows the winder spools to include a ratchet arrangement enabling spool rotation in a first rotation and inhibiting spool rotation in an opposed second direction. Ericson further shows the ratchet arrangement to be releasable to permit spool rotation in both directions (Page 5, lines 5-9).

Regarding claim 7, the mounting means comprises a suction mount, 7, 8 (page 4, lines 20-24).

5. Claims 1, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Eriksson (U.S. Patent 6,616,800). Eriksson shows a winder unit for use with a cutting wire in cutting out a vehicle glazing panel comprising: mounting means, 58, 60, 68, 70, for mounting the winder unit on the glazing panel; first and second winder spools, 50, 72, for winding the cutting wire, 42; and at least one wire wrap around guide element, 29, 31, spaced from at least one of the winder spools and the mounting means. In this case, Ericson shows the wire wrap around guide to be spaced from the winder spools (See Figs. 1, 6, 7, 8).

Regarding claims 5-6, Ericson shows the winder spools to include a ratchet arrangement enabling spool rotation in a first rotation and inhibiting spool rotation in an opposed second direction. Ericson further shows the ratchet arrangement to be releasable to permit spool rotation in both directions (column 2, lines 9-18).

Regarding claim 7, the mounting means comprises a suction mount (column 3, lines 9-10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Publication WO 2004/103747 (Ericson) in view of WIPO Publication WO 86/07017 (Bergman). As shown in paragraph 4 above, Ericson shows the claimed invention except for the wheel or pulley. Bergman shows that the wrap around guide for a cutting wire in a device for cutting out a vehicle glazing panel may be either a rotating pulley or a slip block (page 5, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the slip block of Ericson with a pulley because Bergman shows the two to be interchangeable in the art of cutting out vehicle glazing panels.

Regarding claim 3, Ericson shows the winder spools arranged in a side by side arrangement and a respective guide pulley positioned outwardly of each respective winder spool (Fig. 1A).

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8. Claims 2, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson (U.S. Patent 6,616,800) in view of WIPO Publication WO 86/07017 (Bergman). As shown in paragraph 5 above, Eriksson shows the claimed invention except for the wheel or pulley. Bergman shows that the wrap around guide for a cutting wire in a device for cutting out a vehicle glazing panel may be either a rotating pulley or a slip block (page 5, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the slip block of Eriksson with a pulley because Bergman shows the two to be interchangeable in the art of cutting out vehicle glazing panels.

Regarding claim 8, Eriksson shows the unit to include four guide pulleys provided substantially at notational corners of a polygon (See Fig. 8).

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Publication WO 2004/103747 (Ericson) in view of WIPO Publication WO 2004/014678 (Jensen). As shown in paragraph 4 above, Ericson shows the claimed invention except for the particular guide arrangement. Jensen shows an apparatus for cutting out a vehicle glazing panel wherein the apparatus includes a guide arrangement including mounting means, 24, a wire wrap around guide, 28, positioned away from the mounting means, and a pair of positioning limbs, 22, extending from the mount at an apex defined by proximal ends of the limbs, each said limb carrying at its apex either an additional mounting means, 24, or a wire wrap around guide, 28. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the guide arrangement

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of Jensen into the apparatus of Ericson because this guide arrangement can be used to create an optimum peeling angle without needing to create or take in slack which would be required of moving the wind up spool. In addition, one of ordinary skill in the art would have realized that adding a second guide element, similar to the arrangement of Ericson, provides further flexibility for using the apparatus.

10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Publication WO 2004/103747 (Ericson) in view of WIPO Publication WO 86/07017 (Bergman '017). As shown in paragraph 4 above, Ericson shows the claimed invention except for the tiltable suction cups. Bergman '017 shows an apparatus for cutting out a vehicle glazing panel wherein the mounting means are tiltable to accommodate curved glazing panels (page 11, lines 5-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the suction cups of Ericson tiltable to accommodate the curvature of glazing panels as taught by Bergman.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 10:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A Osele/
Primary Examiner, Art Unit 1791

June 20, 2010